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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,137	09/27/2004	Jeffrey S Lockwood	7175-71858	1944
23643 7590 12/20/2007 BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER REICHLE, KARIN M	
			ART UNIT 3761	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,137

Applicant(s)

LOCKWOOD ET AL.

Examiner

Karin M. Reichle

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9-21-07 has been entered.

Specification

Drawings

2. The drawings were received on 9-21-07. These drawings are approved.

Description

3. The use of the trademark TEGADERM and OPSITE FLEXIGRID, page 10, lines 2-3, has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Trademarks should be in all capital letters or with the trademark symbol, not both.

4. The disclosure is objected to because of the following informalities: The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims should be commensurate, see MPEP 608.01(d), e.g. where is a non-porous material now claimed? Where are the openings as now claimed in claims 5-6 described in the Summary? As also discussed in paragraphs infra, at the very least, the structure of the cover and the wound contacting layer and its relationship with respect to the undermined portion of the wound is unclear. Therefore, at the very least, a clear consistent description of the structure, e.g. "the discrete openings", should be set forth throughout the application, e.g. the first full paragraph of page 5. Note also 608.01(o), i.e. "The use of a confusing variety of terms for the same thing should not be permitted." Note again, however, paragraph 7 infra.

Appropriate correction is required.

Claim Objections

5. Claims 1-11 are objected to because of the following informalities: Claim 6, line 2 appears to be missing a word or words. In claims 1-11, "wound contacting" (each) should be --wound contactable--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 1-7, at the very least, note paragraph 7 *infra*, it is unclear where, at a minimum, “at least one discrete opening”, see claim 1, i.e. “a” or “the” “plurality...openings”, see the dependent claims, is located (e.g. the top surface of the cover only? the top surface of the wound contacting layer beyond the cover? both?) and whether such “opening”, and the “holes”, see claim 1, and “channels”, see claim 2, are one and the same, see claim 2, last two lines, and claims 3-4? For example, the claims now claim that channels formed in the top surface of the wound contacting layer, see claim 2, which extend beyond the outer edge of the cover, claim 3, define a plurality of the discrete openings, yet such openings, i.e. “at least one discrete opening”, of claim 1 are defined as being through the top surface of the cover, i.e. not channels in the wound contact layer as claimed. Similarly, the claims now claim the cover includes a plurality of discrete holes in communication with the channels of the wound contacting layer to define a plurality of “the discrete openings”, see claim 4, yet “holes” in claim 1 are defined as extending through the bottom surface of the wound contacting layer and “openings” in claim 1 are defined as extending through the top surface of the cover layer

7. Claims 6-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 6 as amended 4-9-07 requires “the at least one discrete opening” be “positioned to engage an undermined portion of the wound”. While the application as originally filed describe such an opening adapted to “communicate negative pressure to an undermined portion of the wound”, see, e.g., original claim 9 and Figure 5, this is not what is claimed. This

question of support is exacerbated by the lack of clarity as to the location of such claimed “at least one discrete opening”, see previous paragraph. If Applicant maintains such claim language, the specific portion of the original application which provides support for the entire scope of claim 6 in a single embodiment should be set forth.

Claim Language Interpretation

8. Since no claim language has been explicitly defined, such terminology will be given it broadest reasonable interpretation in light of the specification, e.g. its dictionary definition. Therefore, the terminology “channel” is defined by the dictionary not only as “a trench furrow or groove” but also as “a tubular passage for liquids” as well as “a course or passage through which something may be moved or directed”. Due to the lack of clarity discussed in the preceding paragraphs, claim 1 is interpreted to require at least one discrete opening through the top surface of the cover as claimed on lines 8-9 and at least two holes through the bottom surface of the wound contacting layer as claimed on lines 5-6 in combination with the other claimed structure, claim 2 will be similarly interpreted as well as requiring a wound contacting layer having a top surface with at least two “channels” formed therein and the structure of the cover as claimed on lines 4 et seq, claim 3 will be interpreted as further requiring the claimed surface areas as well as at least two openings in the wound contacting layer beyond the outer edge of the cover which may or may not also be the “holes” and/or “channels”, claim 4 and claim 5 will be interpreted as requiring a cover with at least two such discrete openings as claimed having the claimed function, properties or capabilities, i.e. the communication, as claimed. Due to the lack of clarity as well as the question of support discussed supra claim 6 will be interpreted as requiring some

discrete opening/hole/channel, i.e. located in the cover and/or wound covering layer, being positioned to engage an undermined portion of the wound as well as the cover requiring at least two of the discrete "openings" in a outer peripheral portion thereof.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Heaton '127.

Claim 1: See Claim Language Interpretation section supra as well as '127 at, e.g., Figures 5-9c, page 2, first full paragraph, page 3, second to last line-page 4, fifth to last line, and page 7, line 12-page 9, last line: the member is 30 and 73 or 30, 73 and 20, the wound contacting layer is 73 having a bottom surface which is the bottom surface of 73, the "discrete" holes are the openings of the cells of open celled foam of 73 extending through the bottom surface thereof, the cover is 30 or 30 and 20 or 20 with the at least one "discrete" opening being 34 and/or 35 and/or 25 extending through the top surface thereof and the port is at least 36 which is configured to communicate with the vacuum source and in fluid communication with each "discrete" hole and the at least one "discrete" opening (It is noted that "communicate" includes direct and/or indirect communication). With regard to lines 3-4 of claim 1 attention is again directed to page 4, lines 10-12. See also the response to Arguments section infra.

Claim 2: See the Claim Language Interpretation section supra, e.g. the definition of "channels", and the portions of '127 cited supra, especially page 4, lines 10-12, and thereby, by

incorporation, '873, at, e.g., Figure 10 and the paragraph bridging pages 8-9, i.e. clearly teaches the wound contact layer of a wound cover packed into the recesses of the wound cavity, i.e. the wound contacting layer 73 includes a bottom surface adapted to be in contact with and generally conform to the wound surface, as best understood the "channels" of the upper surface are formed by the cells/pores/passages in the foam material thereof opening through such surface, e.g. "a tubular passage for liquids" or "a course or passage through which something may be moved or directed" (note no specific shapes and/or dimensions and/or patterns of "channels" are claimed) and the cover 20 and/or 30 has a bottom surface which engages with the top surface of the wound contacting layer and cooperates with such "channels" to define a plurality of passageways between the port and each discrete hole and between the port and the at least one discrete opening. It is noted that the claim does not require the bottom surface of the cover be planar and/or each of the passageways being a discrete passageway between the port and each hole or between the port and each opening.

Claim 3: See the Claim Language Interpretation section supra and Figure 7 of '127, i.e. a surface area of the cover, e.g. 30, is smaller than a surface area of the layer 73 so that layer 73 and thereby, as best understood, the "channels"/spaces/passages of the foam material thereof, extend beyond an outer edge of cover 30 and define a plurality of the "discrete" openings, i.e. the "channels"/spaces/passages of 73 at the top surface thereof laterally beyond 30.

Claim 8: See the discussion of claims supra with regard to lines 1-14. With regard to lines 14 et seq, see the discussion of claim 3, i.e. the foam of 73, i.e. its interconnecting cells/pores/passages, extends beyond cover 30 to define a plurality of "channels" in the periphery thereof, i.e. peripheral access channels. It is noted that this claim only sets forth that such

channels be configured to communicate negative pressure with the undermined portion, i.e. a function, capability or property of the “channel” configuration/structure. See again the portions of ‘127 cited supra as well as the paragraph bridging pages 7-8 and the last full paragraph of page 8 of ‘873 incorporated thereby, i.e. ‘127 teaches the claimed structure located in undermined wound portions as well as such structure being capable of communicating negative pressure through the interconnecting cells/passages/pores, i.e. the “channels” thereof. Therefore, at the very least, if not explicit already, there is sufficient factual evidence for one to conclude that such structure, i.e. configuration, of the wound contacting layer of ‘127 would inherently include the same capability, function or property as claimed, see MPEP 2112.01.

11. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Lockwood et al ‘794.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Claim 1: See the Claim Language Interpretation section supra as well as ‘794 at, e.g., the Figures, especially 1-17, the abstract and col. 7, line 46-col. 10, line 24 and col. 11, lines 19-29, i.e. the member is 20 and 52, the wound contacting layer is 20 having a bottom surface which is adapted to be in contact with and generally conform to the wound surface, as best understood the “discrete” holes are 36 extending through the bottom surface thereof, the cover is 52 which

includes, as best understood, at least one “discrete” opening, see 51 or Figure 15, extending through the top surface thereof and the port is at 13 and/or 26 or 70 which is configured to communicate with the vacuum source and in fluid communication with each “discrete” hole and the at least one “discrete” opening (It is noted that “communicate” includes direct and/or indirect communication).

Claim 2: See the Claim Language Interpretation section *supra*, i.e. the definition of “channels”, and the portions of ‘794 cited *supra*, i.e. the “channels” of the upper surface are 30 and the cover 52 has a bottom surface which engages with the top surface of the wound contacting layer and cooperates with such channels to define a plurality of passageways between the port and each discrete hole and between the port and the at least one discrete opening as claimed as best understood. It is noted that the claim does not require the bottom surface of the cover be planar and/or each of the passageways being a discrete passage way between the port and each hole or between the port and each opening.

Claim 4: See the Claim Language Interpretation section *supra*, and Figure 15 again, i.e. ‘794 teaches the cover includes more than one of the discrete openings through the top surface thereof in communication with channels 28 as best understood.

Claim 5: See the discussion of claims 1, 2 and 4 *supra*. Claim 5 further requires the claimed structure be adapted to communicate negative pressure to an undermined portion of the wound, i.e. a function, capability or property of the claimed structure. However, ‘794 teaches the claimed structure as well as the capability of contacting and conforming to wound surfaces. Therefore, at the very least, there is sufficient factual evidence for one to conclude that such

structure of the cover of '794 would inherently include the same capability, function or property as claimed, see MPEP 2112.01.

Claim 6: See the Claim Language Interpretation section supra and the discussion of the claims supra, i.e. '794 teaches the claimed structure and a cover including a outer peripheral portion (It is noted that no specific dimension of such portion is claimed nor the specific relationship of such with regard to the remaining portions of the cover is claimed) and such cover including at least two openings which are closer to the periphery or edge than other openings or the center point, see Figures 12 and 15. Claim 6 also recites the claimed structure as best understood has the function, capability or property to engage an undermined portion of the wound. Again '794 teaches the claimed structure as well as the capability of contacting and conforming to wound surfaces. Therefore, at the very least, there is sufficient factual evidence for one to conclude that such structure of the cover of '794 would inherently include the same capability, function or property as claimed, see MPEP 2112.01.

Claim 7: The terminology "relative thin and flexible" is considered relative absent the claiming of specific dimensions of thinness and flexibility. See also '794 at the portions cited with respect to claim 1 and col. 11, lines 54-57, e.g. layers described as "thin" and "flexible" and "pliable". Therefore the member is also considered to be "relatively thin" and "flexible".

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 4-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heaton '127 in view of Ohmsteade PCT '173.

Claim 4: As best understood, see the Claim Language Interpretation section supra, this claim requires at least two discrete openings in the cover capable of communication whereas the cover, e.g. 20 and/or 30, only includes one such discrete opening which is capable of communication. However, see '173 at the abstract, second to last line, i.e. "one or more openings", and Figures 2-4, i.e. suction head/foam pad combination for attaching to a wound area similar to that of '127 which employs one or more than one opening, i.e. interchangeability of more than one opening for one opening. To make the one opening of the suction head/plate shaped member of '127 more than one opening would be obvious to one of ordinary skill in the art in view of the interchangeability as taught by '173. The combination of the prior art would necessarily and inevitably include the claimed structure as best understood.

Claim 5: See the discussion of claims 1, 3 and 4.

Claim 6: See the Claim Language Interpretation section supra and the discussion of the claims supra as well as '873 again, e.g. Figure 10 and the paragraph bridging pages 8-9, i.e. '127 clearly teaches a wound contact layer 73 of a wound cover packed into the recesses of the wound cavity, i.e. positioned to/having the capability to engage with an undermined portion of the wound and thereby, the "channels"/spaces/passages of the foam material thereof, i.e. positioned to engage an undermined portion of the wound as claimed as best understood, and the prior art teaches a cover including a outer peripheral portion (It is noted that no specific dimension of such portion is claimed nor the specific relationship of such with regard to the remaining portions of the cover is claimed) and such cover includes openings of which at least two are

closer to the periphery or edge, i.e. an outer peripheral portion, than other openings and/or a center point, i.e. see the leftmost and rightmost openings 20 n Figures 2-4 of '173.

Claims 9 and 11: See the discussion of claims 1-6 and 8 supra.

Claims 7 and 10: The terminology "relative thin and flexible" is considered relative absent the claiming of specific dimensions of thinness and flexibility. See also '127 at the portions cited with respect to claim 1, e.g. layer 73 is described as "relatively thin" and "flexible" and extends beyond 30, i.e. defines peripheral portions of the member. Therefore the member is also considered to be "relatively thin" and "flexible".

Double Patenting

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 1-2 and 4-7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8 and 30 of U.S. Patent No. 6,752,794 in view of Ohmstede PCT '173 and Heaton PCT '127. With regard to claims 1-2, since the instant application has a later effective filing date, the one way In re Vogel test applies, i.e. are the claims of the instant application obvious in view of the patent claims? The answer is yes. Claims 1-2 of the instant application are both broader with regard to some aspects and narrower with regard to other aspects of the patent claims. With regard to the broader aspects (e.g. patent claims non-porous material or connector with right angled passageway and the application does not), once an applicant has received a patent for a species or more specific embodiment, he is not entitled to a patent for the generic or broader invention. This is because the more specific anticipates the broader, i.e. the patented claim anticipates the application claim. See In re Goodman, supra. With regard to the narrower aspects (e.g. the application claims claim at least one discrete opening extending through a top surface of the cover), while the patent claims require a cover which is formed to include a port such does not claim the port so formed through the top surface. However, it is well known to provide a port through the top surface of a cover of such member for use in a vacuum bandage, see, e.g., PCT '127 and '173 at the Figures, to simplify the connection of the various parts of the bandage to each other and to the patient. Therefore, to provide the port, i.e. at least one discrete opening, through the top surface of the cover of the patent claims as taught by '127 and '173 would be obvious to one of ordinary skill in the art in view of the recognition that such simplifies connection and use of such bandage and the desire of ease/simplification of use in any medical device.

Claim 4: As best understood, see the Claim Language Interpretation section supra, this claim requires at least two discrete openings in the cover capable of communication whereas the patent claims only include one discrete opening/port which is capable of communication.

However, see '173 at the abstract, second to last line, i.e. "one or more openings", and Figures 2-4, i.e. wound contacting layer/cover combination of vacuum bandage for attaching to a wound area similar to that of '127 which employs one or more than one opening through the cover in combination with a port, i.e. interchangeability of more than one opening for one opening. To make the port/one opening of the patent claims a port/more than one opening would be obvious to one of ordinary skill in the art in view of the interchangeability as taught by '173. The combination would necessarily and inevitably include the claimed structure as best understood.

Claim 5: See the discussion of claims 1, 2 and 4.

Claim 6: See the Claim Language Interpretation section supra and the discussion of the claims supra and lines 1-6 of claim 30, i.e. clearly teaches a wound contact layer of a wound dressing member, i.e. an opening thereof, adapted to contact with and conform to a wound surface, i.e. necessarily and inevitably positioned to/having the capability to engage with an undermined portion of the wound and thereby, a discrete opening positioned to engage an undermined portion of the wound as claimed, as best understood, and the prior art teach a cover including a outer peripheral portion (It is noted that no specific dimension of such portion is claimed nor the specific relationship of such with regard to the remaining portions of the cover is claimed) and such cover including at least two openings which are closer to the periphery or edge than other openings or the center point, see, e.g., the leftmost and rightmost opening 20 in Figures 2-4 of '173.

Claim 7: The terminology "relative thin and flexible" is considered relative absent the claiming of specific dimensions of thinness and flexibility. See also '794 at the preamble of claim 1 from which claim 8 depends, e.g. member is described as "thin" and "flexible". Therefore the member is also considered to be "relatively thin" and "flexible" as claimed.

Response to Arguments

16. Applicant's remarks have been considered but are either deemed moot in that the issue has not been reraised or deemed not persuasive for the reasons set forth supra. Specifically Applicant's remarks are narrower than the claim language as best determinable, e.g. the definition of "channels" and/or the teachings of the prior art, e.g. Heaton does teach at least one discrete opening extending through the top surface of the cover.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is noted that references of record, e.g. Lockwood '681, Henley '074, Risk '807, KCI PCT '248, Henley '922, KCI '223, as well as the newly cited references also teach at least some of the features of claims, have different inventive entities and include at least an earlier filing date.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.M. Reichle
Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
December 18, 2007